

**MINUTES OF COUNCIL MEETING
JANUARY 24, 2008
6:30 P.M.**

The Murray City Council met in regular session on Thursday, January 24, 2008, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Danny Hudspeth, Pat Scott, Dan Miller, Jeremy Bell, Butch Seargent, Jason Pittman, Pete Lancaster, Linda Cherry, Robert Billington, David Ramey, Jane Brandon, Butch Seargent, and Bill Wells.

Council Members Absent: None.

Staff Present: Ken Claud, Michael Skinner, J. L. Barnett, David Roberts, Candace Dowdy, Peyton Mastera, Ron Allbritten, Dennis Thompson, Philip Morris, Carol Roberts, Matt Mattingly, Gail Mullins, Harla McClure, and Warren Hopkins.

Minutes of the council meeting held January 10, 2008, were presented for approval. **Mr. Pittman moved, seconded by Mr. Lancaster,** to approve the minutes as written. With no discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Ordinance Number 2008-1455 (first reading) an ordinance amending Chapter 118 of the City of Murray Code of Ordinances in order to clarify existing paragraph 118.13 and 118.99 was presented to the council on a first reading. **Mr. Hudspeth moved, seconded by Mr. Bell** to approve said ordinance. Mr. Hudspeth stated that the Public Safety Committee met January 17th to discuss changes in the penalty section. He requested that Matt Mattingly, Director of Administration, provide additional information. Mr. Mattingly stated that he had worked with the attorney at the Alcoholic Beverage Control office to bring our fines in line with how the state penalties are set. He also stated that their attorney recommended that we amend our ordinance with respect to when premises that sell alcohol are inspected. There was a court case in Louisville that brought this issue to the forefront. He stated that we will be working with the ABC officer assigned to this area to provide training for our police officers. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pete Lancaster, Jeremy Bell, Dan Miller, Linda Cherry, Robert Billington, Jason Pittman, David Ramey, Jane Brandon, Butch Seargent, Pat Scott and Bill Wells.

NAYES: None.

Mayor Rushing declared the ordinance approved on a first reading.

Ordinance Number 2008-1456 (first reading) an ordinance amending Chapter 118 of the City of Murray Code of Ordinances to create a new section regarding outdoor alcoholic beverage license regulations was presented to the council on a first reading. **Mr. Billington moved, seconded by Mr. Bell** to approve said ordinance. Danny Hudspeth stated that this was another issue that the Public Safety Committee had discussed on January 17th. He stated the committee had met two times to discuss regulations proposed by the Planning Department for restaurants who sell alcoholic beverages. He requested that Candace Dowdy, City Planner, provide additional information. Ms. Dowdy stated that the Planning Department put together

some possible regulations regarding outdoor patio areas where alcoholic beverages are sold by looking at other cities' regulations. She stated the intent is for restaurants with an outdoor seating area provide a safe and enclosed area so someone may not try to pass a drink to a minor or actually leave the establishment. She stated it is not the purpose to restrict restaurants but we do want to have a safe environment for partial screening if they were close to a public street. A restaurant would basically have two options – provide a solid fenced area or a lower decorative wall or fence with some landscaping or shrubbery to give a screening effect.

With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pete Lancaster, Jeremy Bell, Dan Miller, Linda Cherry, Robert Billington, Jason Pittman, David Ramey, Jane Brandon, Butch Seargent, Pat Scott and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance approved on a first reading.

Recommendation from the Murray Planning Commission authorizing the city attorney to draft an ordinance amending Chapter 156, Zoning Code, of the City of Murray Code of Ordinances with respect to definitions (§156.004), sign regulations (§156.050), Board of Zoning Adjustments (§156.080), and zoning districts (§157.037) was presented to the council for approval. **Mr. Pittman moved, seconded by Mr. Lancaster** to approve said recommendation. Dr. Miller questioned if a public hearing was held. Peyton Mastera, Assistant City Planner, stated that KRS requires that a public hearing be held; however, there was no one in attendance. Dr. Miller questioned why the limitation on auction signs. Mr. Mastera stated that it has always been a practice in the Planning Department to inform auctioneers where signage is allowed. He stated it has always been the practice of the Department to allow one sign, off site, denoting the location and the date of where the auction is going to be located. Ms. Dowdy stated the purpose for temporary signs are for educational or cultural events and an auction is neither.

With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pete Lancaster, Jeremy Bell, Dan Miller, Linda Cherry, Robert Billington, Jason Pittman, David Ramey, Butch Seargent, Pat Scott and Bill Wells.

NAYES: Jane Brandon.

Mayor Rushing declared the recommendation approved.

Recommendation from the Murray Planning Commission authorizing the city attorney to draft an ordinance amending Chapter 156, Zoning Code, of the City of Murray Code of Ordinances to create a new section regarding Transient Business Regulations was presented to the council for approval. **Mr. Billington moved, seconded by Mr. Scott** to approve said recommendation. Mr. Billington questioned if we needed a definition for “temporary.” Ms.

Dowdy, as well as Warren Hopkins, city attorney, stated that the term is in conjunction with the requirements of the ordinance and through case law. Mr. Hopkins stated that for something to be considered permanent, it has to be permanently affixed with a foundation. Mr. Seargent stated that the temporary definition is also addressed in the building code. Ms. Dowdy stated that the businesses would have to move to another location every 90 days, which is the nature of temporary businesses. She stated it is not to be put in one place at all times in one location. She also stated that the City is trying to work hand in hand with the health department because several of the vendors sell food and for safety reasons, need to be checked by the health department to ensure that the booth complies with health and safety issues. She stated that the Planning Department has some in-house guidelines that they had been using when this type of business applied for a business license. She stated that these have been handled on a case by case basis to make sure that the location is a proper location; that they have permission to set up; that they are not taking up required parking spaces for established businesses; that they are not creating any type of congestion; and other criteria.

Mr. Scott questioned why it was not okay for the business to stay in the location in was for more than 90 days. Ms. Dowdy stated that the nature of establishing some guidelines for these transient businesses is to encourage them to find a permanent location when they are successful in their "temporary" location. She stated the Planning Department receives frequent calls from established businesses that complain about the transient businesses that sell the same type of products but have only a temporary structure to sell from.

With no further discussion, Mayor Rushing called for the roll call vote as follows:

AYES: Danny Hudspeth, Jane Brandon, Pete Lancaster, Jeremy Bell, Dan Miller, Linda Cherry, Robert Billington, Jason Pittman, David Ramey, Butch Seargent, Pat Scott and Bill Wells.

NAYES: None.

Mayor Rushing declared the recommendation approved.

Bill Wells provided the following information for the Make a Difference Day held January 12, 2008: 262 eyeglasses; 150 gallons of oil; 1500 pounds of clothes; 237 inkjet cartridges; 63 cell phones; 3220 pounds of glass; 150 pounds of batteries; 30 tons of paper; and 1000 pounds of aluminum cans. He stated the next Make a Difference Day will be March 15, 2008.

With no further business to come before the council, the meeting adjourned at 7:15 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure, City Clerk